

The motion was carried by a large majority.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is one further motion, Sir. I move that the Bill be brought into operation from the 1st Tulam 1103. Some time may be required for drafting the necessary rules.

MR. V. S. SUBRAHMANYA AIYAR (*Head Sirkar Vakil*): I beg to second it.

PRESIDENT: May I take it that the House accepts that date?
The motion was carried.

THE TRAVANCORE MINES AND MINERALS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Mines and Minerals Bill and beg to move that the Bill as reported by the committee be taken up for consideration.

MR. K. N. RAMASUBBA AIYAR (*Financial Secretary to Government*): I second it.

The motion was put to the vote and carried.

Title.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I move that the word "Bill" after "A" and before "to" in the title of the Bill be substituted by the word "Regulation".

Sir, in the copy of the original Bill the word "Regulation" occurs for the word "Bill". Now in the copy of the Bill as revised by the Select Committee, the word "Regulation" has been changed into "Bill". The report of the Select Committee does not make any mention of this change nor has any explanation been given anywhere for this change. I therefore move that the word "Bill" be changed into "Regulation".

MR. M. SIVATANU PILLAI (*Tovala*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That expression is not a portion of the enactment. The enactment begins only from the preamble. The portion referred to is only the heading. Correctly speaking, it is only a Bill that is being considered. The change suggested will be made when the Bill is finally passed and receives the assent of Her Highness the Maha Rani-Regent.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): In view of the explanation given, I withdraw my amendment.

PRESIDENT: It is usually done when the Bill is finally passed.

May I take it that the House permits Mr. Piraviperumal Pillai to withdraw his amendment?

The amendment was, by leave of the House, withdrawn.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I do not move the next amendment standing in my name.

The following amendment was not moved:

"Insert the words "of labour in" between "for the Regulation" and "and inspection" in the title of the Bill.

Preamble.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): beg to move the following amendment:—

“Insert the words “of labour in” between “for the Regulation” and “and inspection” in the preamble.

Sir, in the statement of objects and reasons it has been clearly stated that the objects of this Regulation are

- (a) to enable prospecting for minerals in the State
- (b) the regulation of labour in mines and
- (c) the inspection of mines.

Therefore it appears to me that the preamble of the Regulation should clearly and definitely point out these objects. Further, Sir, unless the words “of labour in” are inserted it means a Regulation to provide for the regulation of mines. That, to me, appears vague. Therefore to clearly bring about the objects of this Regulation in the preamble itself, I move my amendment.

MR. P. HABEEB MAHOMED (*Nominated*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will be seen from the various provisions of the Bill that the object of the Bill is not only to protect the labourers though that is no doubt the chief object. For example, I may draw the attention of the member to Chapter IV of the Bill where there is provision to the managers and the owners of mines, the conservancy of the mines and for such other things. No doubt, the ultimate object of these provisions may be for the benefit of the people working there. But if in the preamble we say that it is for the regulation of *labour* that will restrict or constrict the scope of the measure.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether all that cannot come under object (c) the inspection of mines?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know the wording of the preamble in the British Indian Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The same as here.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): In the light of the explanation, I withdraw the amendment.

The amendment was, by leave of the House, withdrawn.

Clause 1.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move that in sub-clause (2) the fullstop at the end be omitted and the following be added:—

It shall apply only to mines, metals and minerals at the disposal of Our Government or Ourselves.

The present clause 1 stands as follows:—

"(1) This Regulation may be called the Travancore Mines and Minerals Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once."

I am concerned with sub-clause (2) which says that it extends to the whole of Travancore.

The object of my amendment is this. In Travancore mines and minerals certainly exist—in the contemplation of the authors of this enactment at least they exist. But there is a further assumption underlying the enactment of this Regulation, namely, that all mines and minerals in the State belong to the State or to the Sovereign. Such an assumption, I am submitting, is not warranted; for the State or the Sovereign may part with their rights over a particular mine or mineral by way of grant, or through adverse possession or by any other process by which proprietorship may be acquired by any private individual. That mines and minerals are capable of prescription has been laid down in a series of rulings. Suppose the Sovereign by way of grant or by way of agreement, grants a mine to a person. The mine becomes private property. If the provisions of this enactment are made applicable to such a mine that would be interfering with the rights of private property. I would therefore guardedly say with respect to the scope of this particular measure that it shall apply only to mines, metals and minerals at the disposal of the Government of Travancore or at the disposal of the Sovereign. There may be mines in Kandukrishi lands which are said to be Crown lands. Such mines would be at the disposal of the Sovereign of the State and not of the Government of Travancore. In the case of such mines, the Sovereign is at liberty to alienate them. My point is that with respect to such mines as well as mines at the disposal of the Government, the law as framed hereunder may apply and that these provisions should not apply to private property. That is the object with which I have brought forward this amendment. Sub-clause (2) read with my amendment reads as follows:—

(2) It extends to the whole of Travancore, but it shall apply only to mines metals and minerals at the disposal of Our Government or Ourselves.

MR. M. N. PILLAI (*Trivandrum*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. The amendment has been moved apparently from a misconception of the scope and object of the Bill. The object of the Bill is not to lay down that the proprietorship or the ownership of mines vests in the State. The object of the enactment is chiefly to safeguard the interests of the labourers working in the mines, to see that they are well protected and that they are not over-worked. I may say it is a labour legislation, something like our Factories Regulation. It is not at all necessary at present for us to consider to whom the mines belong.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does the Law Member know how many mines are worked in the State?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All that has been stated while introducing the Bill, and the principle of the Bill was accepted by the House. It was stated that seven mines were being worked at that time.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, may I know whether the Law Member has seen any mine and he knows the nature of the work there?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have seen a mine. I have not seen how it is worked.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What will be the approximate number of labourers at work in a mine?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It will depend upon the size of the mine. All these questions hardly arise now. They arise at the time the Bill is introduced in the House. This House has accepted the principle that there should be some control over the working of the mines. The only question now is whether these provisions should be applied also to mines not at the disposal of Government. Assuming for a moment that there are mines belonging to private individuals, the point is that there should be some control over the working of such mines also. It is for that purpose that this measure has been introduced. It is quite irrelevant to consider whether the mines belong to the Government or not. If the object of the enactment had been to regulate the working of Government mines alone, then there would hardly have been any need for such a legislation at all. Having felt the necessity for the regulation of labour and the control of the working of mines, the Government may certainly be expected to make the necessary arrangements in regard to their own mines. It is just because that the Government consider that such control must be exercised over all mines in the State that such an enactment was introduced at all into this Council.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): By executive orders Government cannot punish the people.

MR. M. SIVATANU PILLAI (*Tovala*): Is not the present case analogous to the control which the Government exercise over arms and ammunitions kept by individuals in spite of the fact that they have purchased them and are therefore the owners?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not follow the question, Sir.

MR. M. SIVATANU PILLAI (*Tovala*): Is it not the object of Government to control the working of the mines and to minimise the chances of the health and safety of the labourers, capitalists and visitors of mines being endangered?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, that is one of the chief objects of the measure. That is why I said that the question of the ownership of mines is not at all relevant at present.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, I also beg to oppose the amendment. I do not think the question of the proprietorship of mines arises at all now; because it has been laid down in a Proclamation of about half a century old that all mines and minerals belong to Government.

PRESIDENT: I do not think Mr. P. K. Narayana Pillai took up the question of the proprietary rights at all.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): The Government may or may not grant a mine to a private individual or a private individual may or may not acquire right over a mine. The question at present is whether even if a person acquires right over a mine the working of the mine should not be regulated by law. In other words, the question is whether there should be any provision to safeguard the interests of the labourers, capitalists, neighbours and visitors of mines and whether the owners of mines could be allowed to work mines independent of any control by the Government. As my friend Mr. Kayalam Paramesvaran Pillai suggested, let us take the case of a factory. Many factories are private factories. Still we have a legislation to safeguard the interests of the people who work in factories. Similarly, the mere fact that some of the mines may once upon a time belong to a private individual does not mean that such mines should be freed from the control of Government so far as their working is concerned. I therefore beg to oppose the amendment.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): I am sorry that I too have to oppose the amendment brought forward by Mr. P. K. Narayana Pillai. I fear Mr. P. K. Narayana Pillai moved the amendment probably without considering the fact that this measure was intended to safeguard the health and safety of the labourers as may be seen from the title to Chapter V. If this particular amendment is passed, the whole measure becomes useless so far as public safety is concerned. I entirely agree with the reasons given by my friends Messrs. Kayalam Paramesvaran Pillai and Subba Aiyar and I also oppose the amendment.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I also oppose the amendment. I am rather surprised that my friend Mr. P. K. Narayana Pillai should have brought forward this amendment. I am afraid that he seems to have too much regard for proprietary rights over private properties. I am also one with him in taking that view; but the present measure has not much to do with proprietary rights over the mines. It concerns mainly with their working. I am sorry that the learned Law Member was not able to understand my question when I suggested to him an analogous case. I am inclined to think that the control, regulation, inspection and working of mines is analogous to the control and regulation of the use and possession of arms and ammunitions. It is the duty on the part of the Government to step in whenever there is the slightest indication of danger to the public at large. This bill is intended to provide for the regulation and inspection of the work of mines. I need hardly point out that the labourers, capitalists and visitors, all of whom have to go down into the mines, especially

under the Board Pillar system of working of mines, are exposed to all manner of dangers. As such, the Government have got the fundamental and foremost duty to protect and safeguard the health and life of the people who work in mines or live near them or visit them. As such, if it is not the duty of Government to control the working of the mines, I ask, whose duty it is.

So, I am inclined to think that Mr. P. K. Narayana Pillai will know the object of sub-clause 2 after the explanation that has been offered by the Law Member. Further, when the sub-clause refers to the whole of Travancore, it must necessarily apply both to those mines under the ownership of Government or under the ownership of the Sovereign and also at the same time to those under the ownership of private individuals; for if it does affect mines coming under the possession and enjoyment of the Government, it must necessarily affect mines coming under the control or ownership of private individuals. For these reasons, I oppose the amendment.

MR. A. K. PILLAI (*Karunagapalli*): Sir, in opposing the amendment, I wish to say a few words. I quite followed the arguments of Mr. Kayalam Paramesvaran Pillai as well as Mr. Subba Aiyar. The issue of proprietorship is absolutely alien to the point under consideration. I just want to oppose the argument which underlies the amendment—the argument that mines and minerals and such sources of natural and national wealth must be in private hands. It is too late in the day to argue that this unearned wealth and all sources of natural and national wealth should be in private hands. We are all opposing the idea of even lands being held by private owners; we are asking for the nationalisation of all lands; and, when the civilised world is gradually accepting the principle—though unwillingly, because of the nature of the complication and of the nature of the present Governments who are slowly conceding that fact in practice—that, at such an hour, Mr. P. K. Narayana Pillai should rise and argue for the private proprietorship of minerals, mines and metals is rather surprising. So, to oppose that argument it is that I rise, and not that the amendment had any hold whatever on the minds of the members of the House. It cannot hold water. The issue was absolutely irrelevant, but since the argument has been advanced, I must say that it must be silenced. Even in the Indian Legislatures they are asking for the nationalisation of railways, for the nationalisation of coal industry, for the nationalisation of iron industry. There, they can at least argue that there is some labour and capital invested. But, here, there is nothing. If one discovers a mine in his property, and asks that it must be considered to be his own, it is asking for an unearned increment. Not even that, the term 'unearned increment' does not apply at all in this case. If he says that it should be his own, that is really against the higher interests of the State.

MR. M. SIVATANU PILLAI (*Tovala*): May I know if the member knows that even the atmosphere is claimed by some Governments, particularly when foreign aeroplanes are not allowed to pass through the atmosphere surrounding a particular province? That is a sort of private ownership in a sense.

MR. A. K. PILLAI (*Karunagapalli*): So, I oppose the underlying idea of the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I am bound to offer some explanation since I heard that much surprise has been caused to some of my brethren on this side of the House. The argument offered by the Government member in charge of the Bill has been very guarded and has been sufficiently misunderstood subsequently. He pointed out that one of the main objects of the bill is to regulate labour upon the mines. The subsequent speakers evidently lost sight of the "one" there. That object seems to have outweighed other considerations when the arguments proceeded. Had it only concerned the question of working the mines and safeguarding the interests of the labour upon the mines, certainly I would not have introduced this amendment. But there are provisions in the Bill which enable the Government to enter upon private property, remove samples to any extent they want and so forth. That I thought—

MR. G. RAMAN MENON (*Marthikara cum Kattakapalli*): In that case, is it not enough to suggest amendments to such clauses?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Quite sufficient. Therefore, my amendment itself may be amended as not to apply to labour in the mines and working in the mines and to that extent my amendment may be disregarded. To say that private owners of mines or minerals as such would not be affected is not correct. According to the learned Law Member and the learned Deputy President, by purchase or prescription or adverse possession, private ownership may come into play. If so, I raise the question: how can all these provisions be given effect to consistently with the sacredness of private ownership in property? If, disregarding the consent or the voice of the private owner of any particular mine or mineral, a Government officer is authorised under this Regulation to enter upon and remove quantities of minerals, I beg to submit that that will be a very serious encroachment upon the rights of private ownership.

MR. M. SIVATANU PILLAI (*Torvala*): Does not a patta deprive the owner of the minerals?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Quite so. It is therefore I say in certain rare cases proprietorship may vest in private individuals. My amendment would cover only very rare instances, but all the same, to be accurate, I thought that private ownership, if it is to be regarded as inviolable and as placed beyond the power of the State to encroach upon, must be excluded from the general provisions. Hence my anxiety in putting forward the amendment. For the working of all the mines, I have absolutely no objection to apply the provisions of this Regulation. Therefore, I say when the Law Member pointed out that the main object of this Regulation is to regulate the working of the mines, it was conveniently forgotten that there are other provisions in this Regulation quite distinct from the question of operating upon the mines. Now, Sir, I am not ignorant of the existence of the legislation of the year 1066—I think it is a Royal Proclamation—which proclaims that all mines,

[Mr P. K. Narayana Pillai.]

minerals and metals in the State belong to the Sovereign of the State. That itself is a very vaguely worded Proclamation. Some of us wear metal ornaments. If under the authority of the Royal Proclamation the State proceeds to confiscate all metals utilised for domestic purposes, how far would people relish it remains to be seen. Now, my friend Mr. A. K. Pillai opposes my amendment on a more exalted principle, that is, the principle of nationalisation of all natural resources in the State. Sir, if that is going to be recognised from tomorrow forward in all the legislative enactments of this State, and the present regard of private property vanishes, I shall adjust all my amendments to such an outlook. But, unfortunately, so long as private property in the State remains and receives recognition by the State and the State runs a costly machinery of judiciary to safeguard the interests of private ownership in land and other things in the State, to say that private proprietorship should hereafter have absolutely no recognition at the hands of the legislature, I beg to submit, is certainly quite unacceptable, at any rate, at this stage of our progress. Probably, a day may come when the very noble sentiments put forward by Mr. A. K. Pillai will receive much encouragement in this very hall. But we are not there now. And even with respect to this agitation regarding the nationalisation of wealth in the lands where such ideas sprout, we see considerable opposition. So, in remote Travancore, if that principle is held out as the beacon light for us, I am sorry I cannot follow the lead of my learned friend. So, that is not after all a practical ground to stand upon. It is a vision with which my friend wanted to oppose my underlying principle as he put it. This is the position. What lay behind the amendment is my regard for private property. The protection of property, I think, is one of the greatest functions that the Travancore Government is engaged in. If that is true, my amendment has a place. If, my learned brethren on this side of the House whose anxiety for the welfare of the individuals composing the State and whose outlook towards private property in this State is by no means less anxious than that of mine, if they think that the amendment is uncalled for, I shall be very glad to withdraw it. From the expression of opinion in the House I understand that my friends are not in favour of the amendment and I have very great pleasure in withdrawing it.

The amendment was, by leave of the House, withdrawn.

(The President left the Hall and the Deputy President took the chair at 4-2 P. M.)

DEPUTY PRESIDENT: The question is that clause 1 do stand part of the Bill.

Clause 1 was added to the Bill.

Clause 2.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I move the following amendment:—

Delete the words "under the age of fourteen years" in sub-clause (b) of clause 2 and insert the words "between the age of twelve and sixteen."

In the original Bill "Child" has been defined as a person under the age of thirteen years. The Select Committee appointed to consider the Bill have changed it to fourteen. Their only reason for making this change appears to be that they wish to conform to the definition of a "Child" made in the Factories Regulation. Sir, in the Factories Regulation, a clear provision is made for the employment of persons who fall under the definition of "Child" in it. But in the present Bill there is no such provision. If we accept the provision as it is, according to clause 24 of this Bill, any person who is under the age of fourteen shall not be employed in a mine. I am sure, Sir, that this point would not have been in the minds of the members of the Select Committee when they made this change. In the Factories Regulation, provision has been made in sub-clause (a) of clause 23 whereby a person above the age of eleven can be employed in a Factory; but there is no such provision here. Therefore in the present Bill if we define "Child" as a person under the age of fourteen we are making it impossible for persons up to the age of fourteen to be employed in a mine. I do not think that in these days of acute unemployment it is the intention of the members of the Select Committee who considered this Bill that persons under fourteen should not seek employment at least in the above ground of a mine. Sir, there is another aspect also to be considered and that is if we define a "Child" as a person below the age of fourteen, not only are we preventing the employment of persons under the age of fourteen but also facilitating the employer to exact as much work from a person between fourteen and sixteen as he would from an adult male and also allowing the child to work as long as he pleases. I am sure this House is not prepared to say that a child of fourteen years is as good and as strong a worker as an adult male. In the Factories Regulation, sub-clauses (b) and (c) of clause 23 provide for the time during which and the number of hours a person coming under the definition of "Child" shall be employed in a factory. But in the present Bill we have none of those provisions. Therefore, Sir, it is clearly seen that a person coming under the definition of "Child" in the Factories Regulation cannot be treated on an equal footing with a person coming under the definition of "Child" in the present Bill. I therefore move this amendment for the acceptance of the house.

MR. M. SIVATANU PILLAI (*Torvala*): I beg to second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to oppose the amendment. As I understand, Mr. Piraviperumal Pillai's object seems to be that we should enable a child below the age of 14 also to be employed in mines. If that is so, I think the House will certainly oppose that measure. A child under 14 may perhaps be obliged to work, but our ideal should be that children should go to the schools and not to the mines as far as it is possible.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether the member has any objection to a person under 14 working above the ground?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not concerned with it. But if that is the object of my friend, he might move an amendment to clause 24, because it says:

No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

That means that probably a child may not be employed above or below ground.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know the object with which he introduces clause 24 which says that no child shall be employed in a mine.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The clause further says "or be allowed to be present in any part of a mine which is below ground."

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know from the Law Member the object of that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The interest of the children of the State.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Was it the only object of the member who introduced this clause in the British Indian Act?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think so. It is in the interests of the children of the State that that provision against employment of children was put in.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Not for any other?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I challenge the Law Member's statement as regards the British Indian Act. If you please I shall read the statement of Sir Charles Innes.

DEPUTY PRESIDENT: You must address the Chair and not the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So, my friends' object, as I understand it, seems to be that children should be allowed to work in the mines if the guardians want that they should work or they themselves have to work. If that is so, I object to the amendment. The original age limit was 13 years. In the Indian Mines Act the age is 13 years and our Select Committee raised it by one year in the interests of the children of the State.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I am not at all satisfied with the argument offered by the Law Member in stating that I should amend clause 24 of the Bill if I should satisfy my purpose. 'Child' has been defined as a person under the age of 14 years and clause 24 clearly says that no child shall be employed in a mine or be allowed to be present in any part of a mine which is

below the ground. In the statement of objects and reasons, the learned Law Member says that the provisions of the British Indian Act have been taken here as far as they are applicable. But from the speech of Sir Charles Innes who introduced the British Indian Act there, I find that he states that the prohibition of children working in mines was mainly with the object of prohibiting women working under the mines. I shall for the information of the House read the passage.

MR. M. SIVATANU PILLAI (*Tovala*): Whatever might be the object behind the provision, is there not a restriction on children working under the mines?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Certainly there is. For that we will amend clause 24. Sir, the object of Sir Charles Innes can be seen from the passage which I shall read:

"We have taken the first step. We have tentatively proposed that children up to the age of 13 should not be allowed in a mine at all. The effect of that may be to reduce the employment of women in the mines, for women who are mothers very probably will not go down the mines at all, if they cannot take their young children with them. That is the first step, and a time may come when the local Governments may think it possible to utilise the powers which they have under clause 30 (d) of this Bill to prohibit the employment of women in mines altogether."

So we find from the British Indian Act that a child was prohibited from working in the mines with the object that it may later on prevent women working in the mines. But unfortunately in our present Bill nothing has been said about women. I will come to it later on. So, Sir, if the members on this side of the House think that there is great harm in allowing a person between the ages of 12 and 16 to carry a few baskets of earth or anything of that sort I shall have no objection to withdraw my amendment.

MR. G. RAMAN MENON (*Mavelikara cum Kartikapalli*): I beg to rise to a point of order. Standing Order 39 (2) provides as follows:—

The Secretary shall cause every notice of a proposed amendment to be printed and copy made available for the use of each member.

I did not get a notice of the amendment. I consulted some of my friends and they too have not got it. So I do not know whether this amendment is in order.

DEPUTY PRESIDENT: You must have raised it at the outset and I believe the notice has been sent to everybody.

The amendment was put to the vote and lost.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, I move that a fullstop after the word "Regulation" be inserted in the second line of Sub-clause (c) and the remaining portion of the sub-clause be omitted. The clause after amendment will read thus:—

'Inspector' means an Inspector of mines appointed under this Regulation.

Sir, it is not desirable to include a District Magistrate as an Inspector of Mines and ask him to perform the duties of an Inspector, for the main reason that he is the head of the executive and judicial functions in the District and consequently his hands will always be full,

[Mr. S. Piraviperumal Pillai.]

The Inspector must be an expert in mining matters and must also possess practical experience in mining. The district Magistrate who has already got much work to do in his district and who has not any knowledge of mining matters cannot be expected to look after the mines and the safety of workers in the mines in the same way in which an expert and full-timed Inspector is expected to do. Therefore, Sir, I submit that the District Magistrate should be excluded from the term "Inspector." Beyond making mention in the statement of objects and reasons "that the provisions and the principles of the British Indian Act have been adopted in so far as they are applicable to Travancore", I doubt whether any attempt after all has been made by the learned Law Member to see whether they are applicable or after all necessary here. For, Sir, I find from the speech of Sir Charles Innes, the member who introduced the Bill in the Legislative Assembly, that the object of including the District Magistrate also as an Inspector in the British Indian Act was that in British India, they had about 1760 mines situated in different parts of India and that they had only four Inspectors and it was quite impossible for the four Inspectors to inspect and attend to the safety of the miners etc., all the year round over all these mines. But, Sir, from the statement of objects and reasons I find our Law Member is legislating here *for mines in existence before and which though they are not working now cannot be said to have been abandoned and for mines which might come into existence and where regulating labour might become necessary.* Further, Sir, Travancore is not such a big continent like India and the Law Member need have no fear that all on a sudden an Alladin's lamp will bring about a number of mines in various parts and it will be impossible for one or two Inspectors to attend to the work. Sir, if such a time comes, I think we can better amend the Regulation then. Therefore, Sir, I make this motion for the acceptance of the House.

MR. M. SIVATANU PILLAI (*Torala*): Sir, in seconding the amendment of my friend, I find that he seems to be a little more reasonable. I believe the inclusion of District Magistrates in the category of Inspectors seems to be hopeless. Sir, I am not a believer in superfluities. In our State we find it is convenient and very easily possible for one Inspector to go about and inspect mines and minerals. So there is no necessity for a District Magistrate with absolute powers to impose himself upon the prospective mine owners or labourers. The learned Law Member will also see that the District Magistrates are both revenue officers and judicial officers and supervisors saddled with so many other multifarious duties. As such, it is not at all necessary or desirable to saddle upon them this duty also. I am glad therefore to support the amendment of Mr. Piraviperumal Pillai.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to oppose the amendment. It will be seen from Chapter III, clause 7 that "the District Magistrates may exercise the power and perform the duties of an Inspector subject to the general or special orders of Government".

Clearly, it is not the object of the measure that Inspectors will not be appointed. Inspectors will be appointed; but the District Magistrates also may perform it. If that provision stands, I fail to see why District Magistrates can perform the functions of an Inspector. I think it is only necessary that the Inspector should be defined so that he may perform the duties of an Inspector.

MR. M. SIVATANU PILLAI (*Tovala*): May I know where the District Magistrates come in?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In clause 7.

MR. M. SIVATANU PILLAI (*Tovala*): So long as the Government are going to appoint an Inspector why should the District Magistrates be saddled with this work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In emergent or exceptional cases.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Is there any necessity for the District Magistrates performing the duties of an Inspector?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Circumstances may arise for that.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Then, cannot the Commissioner of Police be made to do the duties of an Inspector?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He also may be appointed an Inspector.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Cannot anybody whom the Government ask to do the duty of an Inspector be appointed when a necessity occurs?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think the measure provides like that.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): This is what the clause says. "The District Magistrates may exercise the powers and perform the duties of an Inspector subject to the general or special orders of Government."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. A legal difficulty may therefore possibly arise if he is not brought within the definition of Inspector.

MR. M. SIVATANU PILLAI (*Tovala*): Why is there any difficulty of including him under the general category of Inspectors?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When he is not included in this clause, a legal difficulty may arise. So it is better to provide for it specifically here.

DEPUTY PRESIDENT: So long as you allow the term District Magistrates to stand, it is only a question of drafting. So long as the District Magistrate is an Inspector what is the objection for having it in the definition itself?

Do you press your amendment, Mr. Piraviperumal Pillai?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Sir, the only argument that the learned Law Member seems to have put forward for including the District Magistrates as Inspectors is that, unless he is included in the definition of an Inspector, he cannot be ordered to do the duties of an Inspector. I think I cannot agree to that statement made by the Law Member, for the Government can at the time they want him to perform the duties of an Inspector call upon him to do the duties of an Inspector. A safety clause is made in all Regulations empowering Government to do anything they please. Therefore I am not satisfied with the explanation of my friend and hence I press my amendment.

The amendment was put to the vote and lost.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I demand a poll.

A poll was taken with the following result:—

AYES—10.

- | | |
|--|-------------------------------------|
| 1. Mr. P. K. Narayana Pillai. | 6. Mr. N. Kumaran. |
| 2. „ X. G. Lopez. | 7. „ S. Piraviperumal Pillai. |
| 3. „ K. P. Nilakanta Pillai. | 8. „ K. Sivarama Panikkar. |
| 4. „ M. Sivatanu Pillai. | 9. „ K. I. Joseph. |
| 5. „ Changanachery K. Paramesvaran Pillai. | 10. „ C. Keralavarma Koil Tampuran. |

NOES—14.

- | | |
|-----------------------------------|--|
| 1. Mr. I. C. Chacko. | 9. Mr. T. P. Ramasubba Aiyar. |
| 2. „ R. Dhanukoti Pillai. | 10. Rao Bahadur K. V. Rangaswami Aiyengar. |
| 3. „ K. George. | 11. Mr. V. S. Subrahmanya Aiyar. |
| 4. „ R. Krishna Pillai. | 12. „ J. Stephenson. |
| 5. Dr. N. Kunjan Pillai. | 13. „ A. J. Van Ross. |
| 6. Mr. W. H. Fitt. | 14. „ O. S. Ramaswami Aiyar. |
| 7. „ Kayalam Paramesvaran Pillai. | |
| 8. „ K. N. Ramasubba Aiyar. | |

The amendment was declared lost.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I move the following amendment:—

Delete the words "A Mine" in the last line of sub-clause (j) and substitute the words "such excavation".

The clause with the amendment will read thus:—

"Mine" means any excavation whether subterranean or not, where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes all works, machinery, tracks and sidings, whether above or below ground in or adjacent to, or belonging to such excavation;

Sir, in this clause, according to the marginal note, we are defining the word mine. Sir, definition, even in common parlance is making another understand by words what the term defined stands for. Therefore while we are defining a word in law we have to distinctly and clearly exhibit the boundaries and mark the limits of the term we define so as to remove obscurity or misunderstanding later on. Therefore, Sir, defining a mine as including all works in or adjacent to or belonging to a mine seems to me to be not very precise and definite. I therefore, move that the words "a mine" be deleted and the words "such excavation" be substituted for the same.

MR. N. KUMARAN (*Nominated*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it is more or less a terminological amendment. I may bring to the notice of the House that the word "mine" is defined exactly in the same way as this in the Indian Mines Act. Probably it may not make much difference or probably it may make some difference. Mine is defined as meaning any excavation whether subterranean or not, where any operation for the purpose of searching for or obtaining minerals, has been or is being carried on and includes all works, machinery tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine.

If we put the word "excavation" for the last word "mine", it may mean only an excavation and the further qualification given in that definition may not go along with that and such excavation would mean an excavation whether subterranean or not and nothing more.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether it is not defined as a "mine" meaning anything belonging to a mine.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, machinery, tramways, etc., belonging to a mine. What I mean is that the expression "excavation" may mean mere excavation, whether subterranean or not and the further qualification will not go with that. Therefore it is better to follow the definition in the Indian Mines Act and the change it does not involve any principle. So it would be better to go by that definition.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): In view of the explanation offered by the Law Member, I withdraw my amendment.

The amendment was, by leave of the House, withdrawn.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): Is a comma necessary after the word "searching" in line 2 in clause 2 (f) ?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): It is a printer's devil. That comma ought to be after the word "for" and it will be corrected.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to move the following amendment: -

[Mr. P. K. Narayana Pillai.]

Add the following as sub-clause (g) and reletter the subsequent sub-clauses:—

(g) "Minerals" mean substances regarded as such according to local custom and usages, like ores, oils or coal, found embedded in or issuing from, but not homogeneous with the ordinary crust or strata of the earth, not being vegetable matter or materials forming the crust or strata of the earth like soil, sand, laterite, granite or common clay, whether got from a mine or open working, which have a use and value of their own, independent of and separate from the rest of the soil in which they are found".

By this particular amendment I propose to add another sub-clause to clause 2. What I propose is to add a definition to the word "minerals". In the defining clause we have got the definition of "mines" which means "any excavation whether subterranean or not where any operation for the purpose of searching for or obtaining minerals has been and is being carried on and includes all works, machinery, tramways and sidings whether above or below ground in or adjacent to or belonging to a mine." It is for the purpose of obtaining minerals that a mine is worked. So what exactly is a mineral is left undefined. These two expressions "mines" and "minerals" are correlated throughout the Act. Therefore the working of the Act or the Regulation would depend upon a correct understanding of the expression "minerals" and looking to what exactly is meant by mineral there is considerable difference of opinion among scientists and jurists. I heard the other day that the Director of Industries is of opinion that a variety of clay is a mineral from his standpoint and an ordinary villager thinks that it is not a mineral. In such a difficult situation it is better I thought that some light is thrown upon the expression "mineral". We have got towards the close of the Bill that "a certificate in writing signed by the Chief Secretary to Government shall be conclusive evidence that the acquisition of any land as stated therein is necessary and no civil courts shall question the claim to make such acquisitions". That is, with respect to land acquisition, if the Chief Secretary is of opinion that a mine exists or that a mineral is to be acquired, his opinion is conclusive. The Chief Secretary's voice is final. Government would certainly by an order be able to direct parties to give up their land and thereby they will be deciding where a mine is to be worked. But if the people question the correctness of the Government's decision a dispute will arise. Hence I say in all cases of dispute probably the final voice will be with the Chief Secretary. The question therefore is whether the Executive Government may be given the final voice in all these things or whether the legislature should not define what exactly, if not exactly, at least with the greatest possible accuracy, is attempted to be conveyed by the expression 'mineral'. I have made an attempt at a definition in the light of some decided cases and

following the views of certain text-book writers on the subject. The definition that I have given here is mainly taken from the definition adopted by Mr. Redman in his *Landlord and Tenant*. That is one of the recent American publications. I have modified that here and there to suit the conditions in Travancore and to be on the safe side from the standpoint of the people of the State. The definition is this:—

“(g) ‘Minerals’ mean substances regarded as such according to local custom and usages, like ores, oils or coal, found embedded in or issuing from, but not homogeneous with the ordinary crust or strata of the earth, not being vegetable matter or materials forming the crust or strata of the earth like soil, sand, laterite, granite or common clay, whether got from a mine or open working, which have a use and value of their own, independent of and separate from the rest of the soil in which they are found.”

Rather a cumbrous definition!

DEPUTY PRESIDENT: Rather very difficult to understand.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether my friend includes monazite?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If he wants to include monazite he may include it.

MR. M. SIVATANU PILLAI (*Tovala*): It is also found embedded in the earth.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): “Like ores, oils, coal or monazite”—he may have it like that. All that I say is that it should not be entirely at the discretion of the Department of Industries or any other department of the State to say that any particular substance will or will not be regarded as a mineral. If such a safeguarding of the interest, again, of private rights is necessary, I think a definition is needed. For example, the acquisition of lands or punishment or working or even the proprietorship of substances would be called in question in the absence of a definition. From probably the standpoint of scientists, ordinary granite or laterite would contain a mineral. It would be a strange thing if a department presided over by a scientist comes to the conclusion that all these are minerals. Some substantial protection is necessary and the only way in which I thought I might do it is by defining the word mineral. Hence I place the amendment before the House.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid I cannot accept this amendment. First of all, let us see whether there is any vital object to be gained by trying to define the word mineral which my friend himself has stated has been found to be difficult of definition. The main object of the Bill is to protect and safeguard the workmen and labourers in a mine and there is also provision for controlling in the mines. I may call this measure briefly as a labour legislation. I do not think there is any necessity for giving any precise definition for the term ‘minerals’.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Why is the Bill called Mines and Minerals Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Because there is provision relating to minerals also. The definition of 'minerals' has to be laid down by another Regulation which is not beyond the province of this Council to question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the matter of prospecting for minerals a person's house may be undermined.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Assume it so. How does it matter?

Then let us see whether this definition really answers the purpose stated. If the definition is to be accepted as a correct one then it must be inclusive of all the objects meant and understood to be minerals and exclusive of all other things. My friend says that "minerals mean substances which are not homogeneous with the ordinary crust or strata of the earth." I find Webster defining crust as "the hard external coat or covering of anything and geologically the exterior portion of the earth supposed to inclose a molten interior". So, every mineral must be included in the crust of the earth. If a mineral then is not to be homogeneous with the crust of the earth, I fail to see what a mineral can be. I would tell my friend that in spite of his academic ability he has been dragged into a pitfall.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then what does he mean by mineral?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am objecting to my friend's definition.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know whether he has got a better definition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If a definition were possible the Select Committee would have suggested it.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I ask the learned member whether he feels the need for a definition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, this is only a labour legislation.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know whether he finds the necessity for defining mines?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it is found in the definitions.

MR. K. SIVARAMA PANIKKAR (*Shertallai*): May I know from the member whether in view of the fact that the name of the Bill is 'Travancore Mines and Minerals Bill' he does not think that the term 'mineral' should also be defined?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. I do not think that need be a reason and the legislatures in other places have not also thought so. Let us now see whether his

definition includes everything that should come under the term mineral. If it should exclude everything not homogeneous with the ordinary crust of the earth then no mineral, and in fact, nothing will come under it. Then let us see whether it excludes everything not understood to be minerals. The amendment says "not being vegetable matter or materials forming the crust or strata of the earth like soil, sand laterite, granite or common clay, whether got from a mine or open working which have a use and value of their own, independent of and separate from the rest of the soil in which they are found." If it is to be separate from the rest of the soil mineral is a portion of the soil and common sand will be a mineral. Now, if soil is to be excluded from mineral, I fail to see whether monazite would come under the term mineral. For monazite is a thing which is mixed up with the soil and therefore will not come under this definition. Therefore this definition does not cover objects which are thought to be minerals and does not exclude objects which are not thought to be minerals. But it may be asked what would happen if a dispute arises whether a particular thing is a mineral or not. The deciding authority and ultimately the civil court will decide the matter. They will take into consideration the legal meanings given elsewhere, the scientific meaning, the common parlance and other things obtaining here and elsewhere. And then they will adjudicate. So there is no inevitable necessity for defining it. If my friend had brought forward a definition which would satisfy us I would have accepted it with pleasure. But this definition cannot satisfy us. I may bring to the notice of the House the fact that this expression is not defined in the Indian Mines Act. The English Finance Act, 1910, which is a taxing statute does not define it. Our Bill is not a taxing one.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Am I to understand the member to say that because it is not defined in the English Statute it should not be defined here also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, I did not say that. I am only illustrating the difficulty of defining it.

MR. K. SIVARAMA PANIKKAR (*Sherattalai*): Is it because it is impossible to define it that he is opposing this definition?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I say that it has not been defined elsewhere and that further the definition offered is quite unsatisfactory.

DEPUTY PRESIDENT: Is there any corresponding English Statute defining it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as I have been able to see, there is none. The Settled Land Act of 1882 for instance, defines 'mines and minerals' to include all minerals and substances in, on, or under the land obtainable by underground or by surface working.

[Mr. Kayalam Paramesvaran Pillai.]

Even then it is only inclusive and not exclusive; and it does not at all define "mineral". In the English Finance Act of 1910 it must have been necessary to define the word mineral because certain financial liabilities were imposed upon the people in respect of minerals. But it was not defined there. Certain substances like clay were excluded from "minerals". That was all. There is no definition. It was a puzzle for legislatures and Judges to define the word "mineral" and after all there is no necessity for us here to attempt it having regard to the object we have in view.

MR. I. C. CHACKO (*Director of Industries*): Sir, I oppose the amendment on two distinct grounds. First of all, I must point out to the House that the definition of "minerals" proposed by Mr. P. K. Narayana Pillai, instead of making the meaning of the word clearer, makes it more vague and confusing. There are certain things which we can readily recognise and identify, but cannot define in words. The word mineral seems to be one of these. Mr. Narayana Pillai says that a mineral must be a substance regarded as such by local usage and custom. Until a few years ago, neither local custom nor usage would regard monazite, zircon or ilmenite as minerals; they were mere sands. Yet today they are minerals from which the State derives a large revenue.

MR. M. SIVATANU PILLAI (*Tovala*): Is not sand also a mineral?

MR. I. C. CHACKO (*Director of Industries*): Years ago Pitch Blende was a great nuisance to miners in certain parts of the world; yet today it is the source of the priceless radium. The advance of science may make what is valueless today invaluable tomorrow. Local custom or usage cannot be the criterion of the future value of a mineral substance.

Mr. Narayana Pillai illustrates the meaning by the expression "like ores, oils or coal". What is not an ore, oil or coal will not be a mineral according to the proposed definition. Now what is the meaning of the word "ore"? In common language and as understood by mining men, an ore is a mineral from which a metal is extracted. Our monazite, zircon, ilmenite, mica and graphite are not ores, because none of them is used for the extraction of any metal, while some varieties of laterite, which Mr. Narayana Pillai wants to exclude from the category of minerals and from which iron can be extracted, may become a mineral.

The definition has more difficulties in store for us. It says that a mineral must not be homogeneous with the ordinary crust or strata of the earth. A mineral itself forms a part of the earth's crust, but the definition aims to differentiate it from the crust by describing the latter as "ordinary". But this adjective does not help us at all. The ordinary crust of the earth is in no sense homogeneous. Its composition and other characteristics change from place to place both vertically and laterally. If we examine a single quarry, this fact will become clear. In one place the rock may be more concentrated in felspar and in another

in quartz or some other mineral. I may take a cubic foot of rock from one part of the quarry and contend very reasonably that it is not homogeneous with a neighbouring cubic foot. I can support this contention with the test tube, the microscope and all other appliances which science has invented. According to the proposed definition, I may claim my cubic foot to be a quantity of mineral. I may point out a very practical and specific difficulty. A kind of rock known as dolerite occurs abundantly in Travancore in what are called dykes, *i. e.*, a volcanic filling in fissures in the crust of the earth. This is the rock known as *Krishnasila* and is used as a road metal by the P. W. D. wherever it can be had as it is less brittle and more tough than granite. It is also used by artisans for the manufacture of various articles of domestic utility. As it occurs as filling in fissures in the earth's crust, everybody will have to admit that it is not homogeneous with the ordinary crust of the earth. It is not now regarded as a mineral either by geologists or by Government and the proposed definition will at once make it a mineral.

Again coal is found in strata in the earth's crust and must cease to be a mineral. But Mr. Narayana Pillai may say that it is not an ordinary stratum and that he has specifically included it among minerals. But an argumentative lawyer may contend that the epithet "ordinary" is confined to crust and does not extend to strata. Anyhow the word "ordinary" means very little and does not seem to define anything. There are many valuable substances such as gold and copper which occur disseminated in certain ordinary strata of the earth and which may be profitably extracted. It is not clear from the definition whether such strata will be regarded as minerals.

The latter part of the definition contradicts almost everything contained in the first part. It is said that a mineral should not be vegetable matter. Yet there is nothing but vegetable matter in coal which is admitted as a mineral. Again it is said that "materials forming the crust or strata of the earth" are not minerals. Yet there is no mineral which does not form a part of the earth's crust.

What is meant by crust or strata here is indicated by certain specific examples, *viz.*, soil, sand, laterite, granite or common clay. These examples introduce more contradictions. As I have already stated, monazite, zircon and ilmenite are found as sands in Travancore and if we exclude sands from the category of minerals, these minerals will also be excluded. Again take the example of laterite. What is laterite? If a modern geologist is put into the witness box, he will readily admit that certain iron, manganese and aluminium ores are really laterites. The oxides of these metals are regarded by geologists as lateritic constituents and any rock in which any of these is found in certain modes will be called a laterite. The lateritic constituent that is predominant in the laterites of Travancore is iron oxide, but traces of manganese and aluminium oxides have been observed and any day we may discover a laterite in which either of these oxides may be predominant. Does Mr. Narayana Pillai want to exclude such laterites from the category of minerals?

Such objections to the definition may be multiplied. But I believe I have said enough to show how defective it is.

[Mr. I. C. Chacko.]

Another ground on which I object to the definition is this. The object of the bill is primarily to ensure the safety of persons working in mines. The Bill does not aim to define the rights in minerals. The safety of miners in a mine does not depend on the nature of the mineral mined. It depends on the manner in which work is carried on in the mine, whether the material mined is as valuable as diamond or as valueless as common sand. For this reason, the object of the Council which has the interests of the public at heart must be to extend the scope of the Regulation rather than to restrict it. For this reason also, the definition cannot be accepted.

MR. A. K. PILLAI (*Karunagapalli*): I entirely agree with the position taken up by the members on the other side. But I say that the fault lies with the authors of the Bill. When they attempted to define a thing which was unnecessary, they have invited the trouble upon themselves. By leaving it indefinite in the manner in which it has been done in the Bill, I think there is no harm done. For if there is any error, the error is on the right side. Once we concede that this is essentially a labour legislation meant for the protection of the interests of labour, then why not leave it as wide as possible? Even supposing we accept the definition suggested by Mr. P. K. Narayana Pillai, we may extend the benefit of the Bill to labourers who work on ordinary lands. There is no harm in extending the scope of this Bill, a Bill essentially intended for the benefit of the labouring classes. So I may say there need be no apprehension about the possible harm resulting from the definition. Therefore I oppose the amendment.

MR. M. SIVATANU PILLAI (*Tovala*): Does he know that even great scientists have confessed their error in having distinguished organic from inorganic matter?

DEPUTY PRESIDENT: He has already sat down and so he is not in possession of the House.

I do not think anybody interests himself in your definition of the word "mineral". Have you anything to say in reply, Mr. P. K. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is already 5 o'clock.

DEPUTY PRESIDENT: You want the discussion to be put off till tomorrow?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): As for my part, I have no objection to proceed.

With respect to the definition of the word "mineral" certain authorities may be quoted and I thought I can produce them to convince the opposite side.

DEPUTY PRESIDENT: One difficulty suggests to me. If you do not define, you may follow the English and Indian rulings. But if you define, you are left alone. You may interpret it in any way you like. If you try to define it, you undertake the responsibility.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): According to Mr. Chacko, anything is a mineral. Even in England differences do exist.

DEPUTY PRESIDENT : The whole thing is purely technical. If a man tries to put in a definition which is defective, I think that is not a correct solution.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : It is therefore to give some idea of the whole thing I say—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The civil courts will consider all these matters and put the proper interpretation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : There is need for some understanding in this matter. It is simply idle to say that it is only a piece of labour legislation and as such there is no need for interpretation of the expression "mineral". Hard facts will have to be faced honestly and if possible an attempt will have to be made to solve them. Here this particular piece of legislation is conveying a blank cheque to a certain departmental head of the State which may be utilised by him in any way he is pleased to act. For example, the question may arise with respect to the prospecting of minerals. The Director of Industries himself may be an Inspector under this Regulation. He may go to the house of any one of us and say that he expects a mineral beneath the house. Under the Regulation, no owner of the house is at liberty to oppose him. He will settle what the prospective damage from undermining the house would be. He will offer that. The owner of the house has to accept that and remain quiet. He cannot litigate it in a court of law. The departmental officer is the final authority. A very ardent scientist like Mr. Chacko thinks that a particular variety of laterite which of course is profuse in Travancore contains a very precious mineral. He wants to extract it. His scientific curiosity is all right. But the damage done to the owner of the land is considerable. In such situations is it just or fair to ask that man to have his house pulled down for the purpose of satisfying curiosities, accepting what the departmental head considers is a fair return for pulling down the house?

I am therefore submitting that it is mere idle talk to say that since this is only a labour legislation there is absolutely no necessity to define. Even with respect to ordinary sand, it is a silicate and it may so happen that a person is prevented from digging it out and removing it. The people in Changanachery and other parts quarry laterite stones and sell them elsewhere. They make a living out of it. My friend Mr. Chacko seems to be very particular in including in the definition of 'mineral' even some vegetable matter, for example, coal. I also agree with him in considering that coal is a mineral. But there is this difficulty. A cocoanut tree may fall down and within a few months it may very easily go beneath the surface of the earth, and in the absence of a definition in this Bill it may have to be considered a mineral. I do not think any ordinary citizen will be prepared to consider it a mineral.

DEPUTY PRESIDENT : We may resume the discussion to-morrow.

The Council adjourned at 5-2 p. m.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.